

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-003092

08/09/2013

HONORABLE JOSE S. PADILLA

CLERK OF THE COURT
D. Berkland
Deputy

IN RE THE MARRIAGE OF
MICHAEL JOHN MILLER

MICHAEL JOHN MILLER
18116 W BUCKHORN DR
GOODYEAR AZ 85338

AND

CATHERINA DAWN MILLER

CATHERINA DAWN MILLER
661 S 223RD LN
BUCKEYE AZ 85326

CONCILIATION SERVICES-NW
FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom 122 – NWR

9:41 a.m. This is the time set for Emergency Hearing re: Petitioner's Petition to Modify Legal Decision Making, Parenting Time and Child Support, filed on August 1, 2013. Petitioner is present appearing on his own behalf. Respondent is present appearing on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Michael Miller and Catherine Miller (Jovero) are sworn.

The Court reviews the allegations raised in Petitioner's petition to modify.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-003092

08/09/2013

Discussion is held between the Court and Petitioner/Father with regard to emergency temporary orders.

Pursuant to the discussion held,

IT IS ORDERED that the child's step-father, Thomas Jovero, shall not be present at any time during Respondent/Mother's parenting time with the parties' child, Paige.

The parties answer questions presented by the Court with regard to allegations of domestic violence, drug and/or alcohol abuse.

Based upon the answers provided,

THE COURT FINDS neither parent will be raising issues of domestic violence, drug and/or alcohol abuse.

Petitioner/Father makes an oral motion that child support be modified in view of the oldest child having emancipated.

There being no objection and good cause appearing,

IT IS ORDERED granting Petitioner/Father's motion to modify child support.

[The amended child support order will follow as a "later" in this minute entry.]

REFERRAL TO CONCILIATION SERVICES RE: CHILD INTERVIEW

On the Court's own motion,

IT IS FURTHER ORDERED referring the matter to Conciliation Services for a Family Court Conciliator to interview the minor child: Paige Miller, dob: September 11, 1996.

IT IS FURTHER ORDERED that the **Child Interview** shall be conducted on **September 26, 2013 at 1:30 p.m.** on the following basis:

Scope. The Court anticipates that the Conciliator may address statutory issues set forth in A.R.S. § 25-403(A)(1),(A)(2), (A)(3), (A)(4), and (A)(5) and all other matters deemed relevant by the Conciliator.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-003092

08/09/2013

IT IS FURTHER ORDERED that the parent who has the child in their care on September 26, 2013 shall be responsible for transporting the minor child to the above scheduled Child Interview.

YOU WILL HAVE TO PAY A \$100 FEE IF YOU DO NOT BRING THE MINOR CHILD TO THE CHILD INTERVIEW AS ORDERED. IF YOU NEED TO RESCHDULE, THE PARTY RESPONSIBLE FOR BRINGING THE CHILD TO THE INTERVIEW MUST NOTIFY CONCILIATION SERVICES AND RECEIVE PERMISSION TO RESCHEDULE AT LEAST THREE FULL COURT DAYS BEFORE THE SESSION.

EVIDENTIARY HEARING SET

IT IS FURTHER ORDERED setting the above-captioned case for **Evidentiary Hearing re: Petitioner's Petition to Modify Legal Decision Making, Parenting Time and Child Support on December 2, 2013 at 2:30 p.m.** (1 hour allotted) before the Honorable Jose S. Padilla, located at 14264 West Tierra Buena Lane, Courtroom 122, Surprise, Arizona 85374.

Each party is directed to provide the Court with their recent paycheck stubs, W-2's, and tax returns at the time of the hearing.

Each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are advised the Court will utilize a portion of the time for its ruling. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

FAMILY COURT PRE-TRIAL STATEMENT [FORM DRPTS 16F]

IT IS FURTHER ORDERED that each party shall fully complete and file a Family Court Pre-Trial Statement [form DRPTS 16f] in proper form without argument, narrative statements or other documents, and provide a copy to the adverse party and to this Division at least 5 judicial days before the Conference. The Court is required to consider the reasonableness of each party's positions, including the failure to take a position, in any subsequent requests for attorney's fees made pursuant to A.R.S. §§ 25-324 and 12-349. The Resolution Statement may be obtained through the Self Service Center. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/familyCourt/pdf/resolutionStmnt.pdf>.

IT IS FURTHER ORDERED that the Family Court Pre-Trial Statement [form DRPTS 16f] shall include:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-003092

08/09/2013

1. A current Affidavit of Financial Circumstances.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), *Arizona Rules of Family Law Procedure*.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Family Court Pre-Trial Statement [form DRPTS 16f] in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), *Arizona Rules of Family Law Procedure* and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

EXHIBITS

IT IS FURTHER ORDERED that, if either party has exhibits to be marked, counsel or the parties shall deliver said exhibits to the Clerk **at least five (5)** business days prior to trial. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

1. Counsel and/or the parties shall submit all exhibits to this division by 5:00 p.m. on November 25, 2013. Exhibits shall not be filed at the Clerk of Court filing counter.

2. The exhibit packet shall contain a title page which states the case number, whether the exhibits are Petitioner's or Respondent's and the date for the hearing. Failure to clearly indicate which party is presenting the exhibits may result in the exhibits being marked incorrectly or not being marked at all.

3. Each exhibit shall be stapled if it contains more than one page. Each exhibit shall be clearly separated from the other exhibits, preferably by placing a colored page in between each

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-003092

08/09/2013

exhibit. Do not staple the colored pages to the exhibits. Do not write or type on the colored pages. The clerk will reuse the colored pages if they are left blank. Failure to clearly separate each exhibit may result in the exhibits being marked differently than counsel and/or the parties intended, such as multiple exhibits being marked as one exhibit.

4. The exhibits shall be marked in the order received. For example, if Respondent's exhibits are received first, Respondent's exhibits will be marked first, i.e., Respondent's exhibits 1 through 5, and Petitioner's exhibits will follow Respondent's exhibits in number, i.e., Petitioner's exhibits 6 through 10.

5. Duplicate exhibits shall not be presented.

6. The parties shall provide the adverse party with a separate copy of all exhibits.

Information regarding exhibits for parties not represented by counsel:

The Court does not automatically review exhibits. Each party will need to offer his/her exhibits into evidence during the hearing by stating to the Court that he/she is offering exhibit(s) 1, 2, 3, etc. The party will need to explain the relevance of each exhibit to the Court. Exhibits that are not received into evidence during the hearing will be returned to the party at the conclusion of the hearing without the Court reviewing the exhibit(s).

IT IS FURTHER ORDERED that the parties shall indicate in the Family Court Pre-Trial Statement [form DRPTS 16f] which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Family Court Pre-Trial Statement [form DRPTS 16f] shall be summarily admitted.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-003092

08/09/2013

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

SETTLEMENT

IT IS FURTHER ORDERED in the event a full settlement is reached prior to the time of trial, the parties or counsel, if represented, **shall** present the formal written Judgment or the agreement signed and notarized by all parties, prior to 5:00 p.m. the **day prior to** the scheduled hearing[if set on the Court's morning calendar the following day, e.g., 9:00 to 11:55 a.m.] or **not later than** 9:00 a.m. on the day of hearing[if the hearing is set on the Court's afternoon calendar, e.g., 1:30 to 4:55 p.m.].

In the event the agreement has not been reduced to writing, then in that event, **all parties** and their counsel, if represented, shall appear at the time designated for hearing to recite the agreement on the record and have it entered as the order of the court pursuant to *Rule 69, (Arizona Rules of Family Law Procedure hereinafter AzRFLP)*.

If the signed Judgment or agreement is not received by the Court pursuant to these guidelines, and the parties and/or their respective counsels, if any, fail to appear as ordered, the Court **shall dismiss the case in its entirety, without prejudice** and the matter **will not** be reinstated but for the most compelling of reasons. See *Rule 70(B)*.

POSTPONEMENTS AND SCHEDULE CHANGES

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

DISCLOSURE/DISCOVERY

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits on or before **November 15, 2013**.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-003092

08/09/2013

2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed no later than **November 8, 2013**.

3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to hearing to conduct settlement discussions, prepare a Family Court Pre-Trial Statement [form DRPTS 16f], exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

IF ONLY ONE PARTY APPEARS, THE COURT MAY ENTER A DEFAULT AGAINST THE ABSENT PARTY, AND ALLOW THE PARTY THAT APPEARS TO PROCEED BY DEFAULT AND/OR ISSUE A CIVIL ARREST FOR THE PARTY WHO FAILS TO APPEAR. IF BOTH PARTIES FAIL TO APPEAR, THE ENTIRE CASE MAY BE DISMISSED, WITHOUT FURTHER NOTICE TO EITHER PARTY.

IT IS FURTHER ORDERED affirming all other orders currently in full force and effect.

9:53 a.m. Matter concludes.

LATER:

MODIFIED ORDER RE: CHILD SUPPORT

THE COURT FINDS that the relevant financial factors required to be included, and the discretionary allowances and adjustments which the Court will allow, for a current calculation of child support pursuant to the Arizona Child Support Guidelines are set forth in the Child Support Worksheet filed this date as Exhibit A, which the Court hereby incorporates and adopts as its findings with respect to child support. Accordingly,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-003092

08/09/2013

IT IS ORDERED that Father shall pay to Mother as and for child support [modified order reflecting the oldest child has emancipated] the sum of **\$139.74 per month commencing on September 1, 2013**, all in accordance with the formal written Child Support Order, which is signed by the Court on August 9, 2013 and filed (entered) by the clerk this date.

Obligations of child support terminate when the child attains the age of 18 years or is otherwise emancipated, but in the event any child attains the age of 18 years while attending high school, support shall continue to be provided during the period in which said child is actually attending high school but only until the child reaches 19 years of age. If the parties have more than one child, the amount of child support owed is not automatically reduced as each child is emancipated; rather the parties must request a modification of the child support order in writing and pursuant to the Rules of Family Law Procedure. Provision for health insurance and noninsured health expenses for the child, as provided below, shall be deemed to be additional child support and shall be enforceable as such.

LET THE RECORD REFLECT a modified Income Withholding Order is initiated electronically by the above-named deputy clerk. Confirmation # **402543**.

IT IS FURTHER ORDERED that at any time an Order of Assignment is not paying the child support obligation in full, Father shall make full and timely payments directly to the Support Payment Clearinghouse, P.O. Box 52107, Phoenix, AZ 85072-2107.

IT IS FURTHER ORDERED that all medical, dental and orthodontia expenses incurred for the health and protection of the child not covered by insurance shall be paid **66% by Father** and **34% by Mother**.

FILED: Child Support Worksheet – Exhibit A
Child Support Order

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov>.